

House Concurrent Resolution No. 39

91ST GENERAL ASSEMBLY

5099L.011

1 **Whereas**, in 1993, the General Assembly enacted Senate Bill No. 251 containing
2 the provision now codified at Section 287.135, RSMo, which requires the Department of
3 Insurance to promulgate rules to determine the criteria by which a workers' compensation insurer
4 may reimburse fees charged by a managed care organization ("MCO"); and
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6 **Whereas**, the Department of Insurance promulgated Rule 20 CSR 500-6.700 which
7 would become effective thirty days after publication in the Code of State Regulations; and
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9 **Whereas**, the Department of Insurance has filed proposed rulemakings on at least
10 7 occasions but have failed to finalize such proposed rulemakings with the filing of an order of
11 rulemaking with the Joint Committee on Administrative Rules and the Secretary of State; and
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13 **Whereas**, the Joint Committee on Administrative Rules has held at least two
14 hearings on previous rules proposed by the Department; and
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16 **Whereas**, nearly ten years have passed since the Department of Insurance was
17 directed to promulgate rules to determine the criteria by which workers' compensation insurers
18 may reimburse fees charged by managed care organizations; and
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20 **Whereas**, numerous managed care organizations were organized for the purpose
21 of providing services in workers' compensation matters; and
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23 **Whereas**, workers' compensation insurers have denied claims for payment from

24 managed care organizations due to the absence of the rule required pursuant to Section 287.135,
25 RSMo; and
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27 **Whereas**, numerous managed care organizations have suffered financial losses due
28 to their denied claims for services; and
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30 **Whereas**, the Joint Committee on Administrative Rules held a hearing on March
31 7, 2002, and by a unanimous vote disapproved Rule 20 CSR 500-6.700 and recommends that the
32 General Assembly act to disapprove and suspend Rule 20 CSR 500-6.700; and
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34 **Whereas**, the Joint Committee on Administrative Rules directed the Department
35 of Insurance to promulgate an emergency rule and a proposed rule with a sunset of December
36 31, 2002, which would provide a mechanism to pay managed care organizations, including those
37 whose claims have been denied since the passage of Senate Bill No. 251 in 1993, based on the
38 absence of a rule as required pursuant to Section 287.135, RSMo; and
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40 **Whereas**, the Department of Insurance agreed to abide by the directions of the
41 Joint Committee on Administrative Rules relating to the promulgation of an emergency and
42 proposed rule; and
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44 **Whereas**, the Department of Insurance to date has failed and refused to abide by
45 the directions of the Joint Committee on Administrative Rules relating to the promulgation of
46 an emergency and proposed rule:
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48 **Now, therefore, be it resolved** that the members of the House of
49 Representatives of the Ninety-first General Assembly, Second Regular Session, the Senate
50 concurring therein, hereby upon concurrence of a majority of the members of the House of
51 Representatives and a majority of the members of the Senate, hereby disapprove proposed Rule
52 20 CSR 500-6.700; and
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54 **Be it further resolved** that the Chief Clerk of the Missouri House of
55 Representatives be instructed to prepare a properly inscribed copy of this resolution that the
56 General Assembly hereby directs the Department of Insurance to promulgate an emergency rule
57 and a proposed rule with a sunset of December 31, 2002, which would provide a mechanism to
58 pay managed care organizations, including those whose claims have been denied since the
59 passage of Senate Bill No. 251 in 1993, based on the absence of a rule as required pursuant to
60 Section 287.135, RSMo; and
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62 **Be it further resolved** that the Chief Clerk of the Missouri House of
63 Representatives be instructed to prepare a properly inscribed copy of this resolution foregoing
64 be submitted to the Secretary of State so that the Secretary of State may publish in the Missouri
65 Register, as soon as practicable, notice of the revocation upon this resolution having been signed
66 by the Governor or having been approved by two-thirds of each house of the Ninety-first General
67 Assembly, Second Regular Session, after veto by the Governor as provided in Article III,
68 Sections 31 and 32, and Article IV, Section 8 of the Missouri Constitution; and
69

70 **Be it further resolved** that a properly inscribed copy be presented to the
71 Governor in accordance with Article IV, Section 8 of the Missouri Constitution.